



**Jean M. Lorizio, Esq.**  
*Chairman*

*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
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## **DECISION**

**A.J. LEAVER CORP. D/B/A BACK TO THE BOATHOUSE  
294 TYNGSBORO RD.  
DRACUT, MA 01826  
LICENSE#: 0292-00030  
HEARD: 9/11/2018**

A.J. Leaver Corp. d/b/a Back to the Boathouse (the “Licensee”) holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission (the “Commission”) held a hearing on Tuesday, September 11, 2018, regarding an alleged violation of 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (8 counts). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Watson’s Report.

The following documents are in evidence:

1. Investigator Watson’s Investigative Report; and
  2. Stipulation of Facts.
- A. Affidavit of Licensee and Tips Certificates.

There is one (1) audio recording of this hearing.

The Commission took Administrative Notice of the Licensee’s record.

## **FINDINGS OF FACT**

1. On Thursday, July 19, 2018, at approximately 10:58 p.m., Investigators Di Cicco, Teehan, and Watson (“Investigators”), conducted an investigation of the business operation of A.J. Leaver Corp. d/b/a Back to the Boathouse to determine the manner in which its business was being conducted.
2. Investigators observed several youthful appearing individuals, in possession of alcoholic beverages, sitting on stools at the corner of the back bar. Investigators identified themselves and asked to see proof of legal age.

3. Underage #1, actual date of birth 3/26/1998 (age 20) was in possession of a Bud Light draft beer. He stated that he had no identification with him and that he had not been asked for identification when he entered the premises.
4. Underage #2, actual date of birth 10/28/1997 (age 20) was in possession of a Bud Light draft beer. He stated that he had no identification with him and that he had not been asked for identification when he entered the premises.
5. Underage #3, actual date of birth 5/28/1997 (age 21) was in possession of a Bud Light draft beer. He stated that he had no identification with him and that he had not been asked for identification when he entered the premises.
6. Underage #4, actual date of birth 11/13/1997 (age 20) was in possession of a Bud Light draft beer. He stated to Investigators that he was not asked for identification. He presented to Investigators a fraudulent New Hampshire driver's license, but he stated that he had not used this license to gain entry.
7. Underage #5, actual date of birth 12/17/1997 (age 20) was in possession of an Angry Orchard Hard Cider. She presented to Investigators a Massachusetts driver's license in another's name.
8. Investigators observed two youthful appearing individuals in possession of alcoholic beverages playing beer pong in the center of the bar. Investigators identified themselves and asked to see proof of legal age.
9. Underage #6, actual date of birth 9/27/1997 (age 20) was in possession of a Twisted Tea malt beverage. She stated to Investigators that she had no identification with her and that she was not asked for identification when she entered the bar.
10. Underage #7, actual date of birth 8/29/1998 (age 19) was in possession of a Malibu rum and pineapple juice drink. She stated that she had no identification with her and that she was not asked for identification when she entered the bar.
11. Investigators observed a youthful appearing individual, in possession of an alcoholic beverage, at the main bar near the side entrance. Investigators identified themselves and asked to see proof of legal age.
12. Underage #8, actual date of birth 10/9/1997 (age 20) was in possession of a vodka and cranberry juice. She presented to Investigators a fraudulent Massachusetts driver's license.
13. Investigators informed the bartender on duty, Tracy Nolan, of the violations and that a report would be filed with the Chief Investigator for further action.

### CONCLUSION

The Commission has determined that the person identified as Underage #3 was actually 21 years old at the time of July 19, 2018.

Consequently, based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under twenty-one (21) years of age (7 counts). Therefore, the Commission **suspends the license for a period of twenty-two (22) days of which five (5) days will be served, and seventeen (17) will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Elizabeth A. Lashway, Commissioner Elizabeth A. Lashway

Kathleen McNally, Commissioner Kathleen McNally

Dated: September 12, 2018

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Lisa Watson, Investigator  
Joseph Di Cicco, Investigator  
Michael Teehan, Investigator  
Dan Tenczar, Esq. via facsimile 978-458-2307  
Administration, File